

4. The Defendant failed to submit the monthly reports despite several requests to do so. As a result an estimate was performed based upon the prior 12 month reporting period. The twelve month average is \$94,637.78 as a result the ERISA contributions claimed to be owed is \$189,275.56 for the months of November 2011 through December 2011. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of estimated dues withheld is \$9,829.64 for the period November 2011 through December 2011. (Exhibit B, affidavit of John Libby)

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$1,354.29 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$12,449.98 for the period August 2011 through December 2011 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

7. The Defendant owes the sum of \$2,583.75 for necessary and reasonable attorney fees and costs of \$405.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of \$215,898.22.

Respectively submitted,

s/ DANIEL P. McANALLY  
Attorney for Plaintiffs

Whitfield McGann & Ketterman  
111 E. Wacker Drive  
Suite 2600  
Chicago, IL 60601  
312.251.9700